



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

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(603) 271-2900 FAX (603) 271-2456



November 5, 2002

CERTIFIED MAIL

7099 3400 0002 9773 1724

RETURN RECEIPT REQUESTED

NOTICE OF PAST VIOLATION

Freedom Tire
37 Westville Road
Plaistow, New Hampshire 03865

Mr. John Guide, President

Freedom Tire
Plaistow, New Hampshire
EPA ID # NHD982750101

Dear Mr. Guide

On September 13, 2002, the Department of Environmental Services (DES) conducted an inspection of Freedom Tire. The purpose of the inspection was to determine Freedom Tire's compliance status with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules (codified as Env-Wm 100-1100).

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, no formal hazardous waste determination had been performed on the waste lamps generated at Freedom Tire. DES inspectors also confirmed that Freedom Tire disposes of waste lamps in the on-site dumpster.

Env-Wm 502.01 requires that all generators of a waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that Freedom Tire test a representative sample of the waste lamps for the characteristic of toxicity as defined in Env-Wm 403.06. Analyses should include, at a

minimum, RCRA metals, using the Toxicity Characteristic Leaching Procedure (TCLP) Method 1311 found in Test Methods for Evaluating Solid Wastes, SW-846. Please be advised that a waste determination may also be accomplished by Freedom Tire using knowledge of the hazardous constituents or characteristics of the waste, based on the materials or processes used to generate the waste.

Alternatively, Freedom Tire may elect to manage waste lamps as "universal waste" in accordance with Env-Wm 1100. Enclosed please find the DES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management Requirements for Handlers and Transporters." On September 18, 2002, DES provided you with a DES "Fluorescent Lamp and Ballast Recycling Facility" list which can be used to aid you with the determination.

Freedom Tire will need to provide the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses, to DES.

In an October 15, 2002 submittal from Mr. John Guide, documentation was provided substantiating Freedom Tire's decision to handle waste lamps as Universal Waste in accordance with Env-Wm 1100. No further action is required.

2 Env-Wm 504.02(e) – Notification Information Requirements

Current DES notification records do not reflect the necessary update for Freedom Tire's change in property ownership.

Env-Wm 504.02(e) requires generators to notify DES in writing of changes in property ownership, using a NH Notification Form, within 30 days of the effective date of the change.

DES requests that Freedom Tire submit a subsequent notification form to DES.

On September 16, 2002, Mr. John Guide submitted a subsequent notification form to DES reflecting changes in property ownership. No further action is required.

3. Env-Wm 510.02(d) - Manifest Copy Distribution

At the time of the inspection, Freedom Tire had not submitted copies of the following ten (10) hazardous waste manifests to DES.

- 1) Manifest No. MAK673443, dated 2/16/99
- 2) Manifest No. MAK686698, dated 6/11/99
- 3) Manifest No. MAM020112, dated 7/26/99

- 4) Manifest No. MAM583531, dated 5/9/00
- 5) Manifest No. MAM605653, dated 8/31/00
- 6) Manifest No. MAM625582, dated 12/19/00
- 7) Manifest No. MAM970520, dated 8/7/01
- 8) Manifest No. MAQ010368, dated 11/21/01
- 9) Manifest No. MAQ118634, dated 3/15/02
- 10) Manifest No. MAQ232849, dated 7/1/02

Env-Wm 510.02(d) requires that the generator retain one (1) copy of the manifest with signatures, and forward one (1) copy of the manifest with signatures to the destination state and one (1) copy to DES within five (5) days of shipment.

DES requests that Freedom Tire submit copies of the above-listed manifests to DES, and properly retain and distribute manifest copies for future shipments of hazardous waste.

On September 16, 2002, Mr. John Guide submitted copies of the requested manifests. No further action is required.

4. Env-Wm 807.06(b)(4) - Standards for Generators of Used Oil Being Recycled

At the time of the inspection, two (2) 275-gallon aboveground storage tanks of used oil destined for recycling, were not labeled with the words "Used Oil for Recycle."

Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label their containers and tanks with the words "Used Oil for Recycle" at all times during accumulation and storage.

DES requests that Freedom Tire label all tanks of used oil that are destined for recycling with the words "Used Oil for Recycle" at all times during accumulation and storage.

In a September 16, 2002 submittal from Mr. John Guide, documentation was provided substantiating compliance with DES's used oil container and tank labeling requirements. No further action is required.

5. Env-Wm 807.10(b)(3) – Standards for Burners of Used Oil Fuel

During the inspection, it was determined that Freedom Tire had not notified the DES Air Resources Division of its used oil burning activities.

Env-Wm 807.10(b)(3) requires that owners and operators of facilities who intend to burn used oil fuel shall notify the DES Air Resources Division to secure any required permits prior to burning such fuels.

DES requests that Freedom Tire notify the DES Air Resources Division of the on-site burner activity.

On October 15, 2002, Mr. John Guide notified the DES Air Resources Division of Freedom Tire's used oil burning activities. No further action is required.

6. Env-Wm 114.04 – Labeling/Marking of Antifreeze

At the time of the inspection, one (1) 55-gallon container of universal waste antifreeze was not marked with the words "Universal Waste – Antifreeze", "Waste Antifreeze", or "Used Antifreeze."

Env-Wm 114.04 requires that universal waste handlers shall clearly label or mark all container(s) holding universal waste antifreeze with any of the following: "Universal Waste – Antifreeze", "Waste Antifreeze", or "Used Antifreeze."

DES requests that Freedom Tire clearly label or mark all container(s) holding universal waste antifreeze with any of the following: "Universal Waste – Antifreeze", "Waste Antifreeze", or "Used Antifreeze." Enclosed please find the DES Environmental Fact Sheet #WMD-HW-4 "Universal Waste Antifreeze: Management Requirements for Handlers and Transporters."

In a September 16, 2002 submittal from Mr. John Guide, documentation was provided substantiating compliance with the Universal Waste Antifreeze container labeling requirement. No further action is required.

DES believes the deficiencies identified during the inspection have been corrected and acknowledges receipt of a report describing the corrective measures taken by Freedom Tire to achieve compliance. Accordingly, no further action in response to the listed deficiencies is required. However, DES personnel may reinspect your facility at a later date to determine whether the facility is maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during subsequent inspections of the facility.

Enclosed you will find a copy of the completed Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

If you believe that the deficiencies documented in this NOPV have been cited in error, or if you have any questions regarding this letter, please contact the lead inspector, Jessica Cajigas or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,



Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

cc DB/RCRA/LOD/Archives
Philip J. O'Brien, Ph.D., Director, WMD
Gretchen Rule, Administrator, DES Legal Unit

E-mail: JJD/SD/SD/PM

Enclosure: Inspection Checklist
DES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management Requirements..."
DES Environmental Fact Sheet #WMD-HW-4 "Universal Waste Antifreeze: Management Requirements"